

BASIS FOR THE AMENDMENT

Claims 1, 3-5, 7-8, 10-22 and 29-36 are active in the present application. Claims 23-28 are canceled. Claims 29-36 are new claims. Claim 29 is supported by page 8, lines 18-20. Claims 30-34 are supported as described for Claims 23-28 of the Amendment filed on October 28, 2005. Through a typographical or clerical error, Claim 23 of the Supplemental Amendment filed in the present case on October 29, 2003 was not included with the Amendment filed on October 28, 2004. It was then added in the Response to Notice of Non-Compliant Amendment of October 28, 2005.

For clarity, Claims 23-28 are canceled. New Claim 29 corresponds with Claim 23 added in the Supplemental Amendment. New Claims 30-34 correspond to Claims 23-28 added in the Amendment of October 28, 2004.

Support for new claims 35 and 36 is found in the paragraph on page 30 and the first paragraph on page 31.

No new matter is added.

REQUEST FOR RECONSIDERATION

Applicants thank Examiner Fubara for indicating that the rejection of the claims under 35 U.S.C. § 102(b) are withdrawn.

The Office now asserts that Claims 1, 3-5, 7-8 and 10-29 (i.e., Claims 10-22 and 29-35 of the present Amendment) are obvious under the meaning 35 U.S.C. § 103(a) over Hori (U.S. 4,830,633) in view of the English abstracts of one or more of Katsuhiko (JP 62103010); Toshiyuki (JP 62230711); Masayuki (JP 11012123); or Masaru (JP 11225819).

Applicants note that the Office indicated that the subject matter of Claim 23 (present Claim 29) is allowable on page 5, paragraph No. 4 of the Office Action of August 11, 2004. However, the Office rejected Claim 23 in the Office Action of February 2, 2006 without indicating any basis for the rejection. Applicants submit that the subject matter of Claim 23 remains allowable. Applicants request clarification.

In the Amendment filed on October 28, 2005, Applicants argued in the paragraph bridging pages 9 and 10 that the subject matter of dependent Claim 28 (corresponding to Claim 29 of the October 28 Amendment and present Claim 35) is allowable because the claimed gel is required to contain water. While the depilatory agent of Hori contains an aqueous solution, this aqueous solution is dried before an adhesive sheet is applied to it. Hori discloses the following:

One embodiment is a depilatory method comprising applying a depilatory agent containing an aqueous solution (including a paste and gel) or emulsion of a polymer compound having a film forming ability, a depilatory medicine and, of necessary, a film reinforcing agent onto a depilatory portion, naturally drying the resulting coating to remove the moisture, thereby forming a film, and peeling off the film.

Another embodiment is characterized by a drying means to convert a depilatory agent coated onto a depilatory portion into a film. This drying treatment includes a heat treatment using hot air, a treatment utilizing the water absorption capability of a water absorbing sheet, and a heat treatment using hot air after adhering a water absorbing sheet.

Further embodiment is characterized by a peeling manner of a depilatory agent in the form of a film. This includes a method comprising bonding a pressure-sensitive adhesive sheet to the surface of the film of the depilatory agent and peeling off the adhesive sheet together with the film. (See col. 1, lines 50 – col. 2, line 2).

As shown above, the films of Hori are generated by drying the prior art depilatory agent onto a surface. The film that is thus prepared by drying may be attached to an adhesive sheet. However, these embodiments do not disclose a depilatory gel sheet that includes a water-containing depilatory agent.

Applicants thus submit that the subject matter of present Claim 34 (corresponding to Claim 29 of the October 28, 2005 Amendment, remains unobvious in view of Hori on the grounds that Hori teaches using a dried depilatory agent and does not teach a water-containing depilatory gel sheet.

Applicants draw the Office's attention to new independent Claims 35 and 36 wherein the claims method consists of certain manipulative steps. Applicants submit the new independent claims are patentable over the prior art of record for the same reasons as discussed above for present Claim 34. The use of the transitional phrase "consists of" to describe the claimed process signals that the claimed process includes only the steps recited in Claims 35 and 36. The process of Claims 35 and 36 excludes the drying step of Hori and must therefore be patentable over the depilatory processes of Hori which are described to be carried out by applying a compositions then drying the compositions before removing using the dried compositions to remove hairs.

The Office Action of February 2, 2006 does not indicate whether Claim 29 of the October 28, 2005 response was examined. Applicants request clarification with respect to present Claim 34.

The independent claims have been amended to recite a viscosity of 300,000 mPa.s or more. Applicants argued the patentability of Claim 23 on page 10 of the Amendment filed on October 28, 2004. Hori discloses that the prior art depilatory agent has a viscosity of from 0.1 to 1,000 poises (see column 2, line 26). This property of the prior art is acknowledged by the Office in the last full sentence on page 3 of the Office Action of February 2, 2006. Applicants submit that a viscosity of 0.1-1000 poises is equivalent to a viscosity of 10-100,000 mPa.s. Hori discloses that the prior art gel depilatory agent has a maximum viscosity of 1,000 poises and in fact states that the prior art gel depilatory agent “is designed such that the viscosity is 0.1 to 1000 poises (at 30 °C) and preferably 0.2 to 100 poises (at 30 °C).” (See column 2, lines 50-55).

Applicants submit that a composition having a viscosity that is greater than the 0.1-1000 poises range disclosed in Hori is not obvious in view of the prior art. This holds especially true when the maximum viscosity of Hori is 100,000 mPa.s and the minimum viscosity of the gel depilatory composition of the present claims is 3 times as high (i.e., 300,000 mPa.s or more). Hori even goes so far as to disclose that it is preferable that the viscosity is from 0.2 to 100 poises, even further away from the minimum 300,000 mPa.s of the present claims.

Applicants submit that the presently claimed gel depilatory sheet having a minimum viscosity of more than 300,000 mPa.s is not obvious in view of Hori because the gel depilatory agents of Hori are described to have a viscosity that is substantially greater than the viscosity of Claim 1.

Present independent Claim 20 is drawn to a method that includes “applying the depilatory gel sheet...to a portion of a body... and peeling off the depilatory gel sheet to

remove hairs from the body”. The Office appears to assert that the method of Claim 20 is obvious because Hori discloses a process that includes first applying a depilatory agent to the surface of a body and then drying the depilatory agent to form a film, and thereafter applying an adhesive sheet to the film adhered to the body to thereby remove the film. Applicants submit however that the method of present Claim 20 is different from the method of Hori. In Hori it is first required to apply a depilatory agent directly to the surface of a body in the absence of a backing. The prior art depilatory agent is then allowed to dry and form a film. Subsequently, a pressure sensitive adhesive is applied to the dried film. The pressure sensitive adhesive adheres to the film and removes the film by pulling.

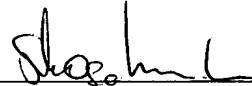
In contrast, in the claimed invention, the depilatory gel sheet is applied directly to a body. Hori does not disclose or suggest the subject matter of Claim 20 because Hori does not apply a depilatory gel sheet to a body but instead applies a depilatory agent to the body and subsequently applies an adhesive film to the dried depilatory agent.

It appears that the Office cites to the English translations of the Abstracts of several Japanese publications as a basis for remedying the defects of Hori. Applicants submit however that such a combination of prior art makes no sense. Hori explicitly discloses that the prior art depilatory agent must be applied to the body and dried before a sheet or other backing material can be applied thereto. Regardless that other prior art discloses embodiments that may include applying a sheet having a depilatory agent to a body, there is no motivation to apply sheets including the depilatory agent to Hori to the body because to do so would not permit the Hori depilatory agent to dry in the form of film and thus there is motivation in making the combination asserted by the Office. Further, there is no expectation that a depilatory gel sheet including the depilatory agent of Hori would be effective for removing hairs from a body.

For the reasons discussed above, Applicant submit that the presently claimed invention remains patentable in view of the cited prior art and respectfully request allowance of all now-pending claims.

Respectfully submitted,

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